REMARKS

This application has been reviewed in light of the Office Action mailed February 24, 2009. Reconsideration of this application in view of the below remarks is respectfully requested. By the present amendment, Claims 3 and 30 – 41 are amended to correct antecedent basis issues, awkward phraseology and other informalities, and Claims 1 and 2 are canceled. Therefore, no new subject matter is introduced into the disclosure by way of the present amendment.

Initially, Applicants note that the title of the invention appears to have been changed by the U.S. Patent and Trademark Office. The title of the invention as originally filed is: "Apparatus for and Method of Recognizing Video Image Object, Apparatus for and Method of Applying Video Image Annotation, And Program to Recognize Video Image Object", while the publication is entitled: "Video Object Recognition Device and Recognition Method, Video Annotation Giving Device and Giving Method, and Program". If the change in title was intentional on the part of the U.S.P.T.O., Applicants accept the change to the title. Otherwise, Applicants request correction of title. If a formal amendment to the specification is required to properly clarify the title of the invention, Applicants request that the Examiner notify Applicants in the next Office Action.

I. Objection to the Specification

The specification is objected for allegedly failing to provide adequate antecedent basis for the claimed "computer readable medium" recited in Claims 36 – 41.

However, the title of the invention, both as originally filed and as currently presented in the U.S. Patent Publication, explicitly includes a "program". Moreover, the specification makes clear that the Applicants' invention can be provided as a program. One of ordinary skill in the art is well aware that programs can be, and usually are, embodied on the well known "computer

readable recording medium". Given that a computer readable recording medium is a well known means of providing a program, Applicants submit that support for "computer readable recording medium" is inherently provided for in the specification. Moreover, as noted in the present Office Action, the specification does recite: "a recording medium such as a CD-ROM, a DVR-R, a hard disk, a memory, or the like." (See: published application, para. [0082]).

It should be noted that the examples of recording medium provided in Applicants' specification are intend as only examples and should not be construed as an all inclusive list of the appropriate recording medium, as one of ordinary skill in the art is well aware of the multitude of medium appropriate for recording and storing a program or data.

Accordingly, Applicants respectfully request withdrawal of the objection to Claims 36 – 41.

II. Rejection of Claims 30 – 35 Under 35 U.S.C. § 101

Claims 30 – 35 are rejected under 35 U.S.C. § 101 because the steps of method Claims 30 and 32 allegedly are not tied to a particular apparatus, and thus are non-statutory subject matter.

In response, the preambles of Claims 30 and 32 are amended to recite: "...method performed by a video image object recognizing apparatus for recognizing a video image object, the method comprising the steps of..."

Accordingly, Applicants respectfully request withdrawal of the rejection with respect to Claims 30 – 35 under 35 U.S.C. § 101.

III. Rejection of Claims 36 – 41 Under 35 U.S.C. § 101

Claims 36 – 41 are rejected under 35 U.S.C. § 101 because the term "computer readable recording medium" is inclusive of both statutory and non-statutory subject matter.

In order to overcome the rejection of Claims 36 – 41 under 35 U.S.C. § 101, in which "computer readable recording medium" is interpreted as reading on both statutory matter as well as non-statutory matter, the preamble of Claims 36 – 41 has been amended to recite "A tangible computer readable recording medium". The inclusion of the term "tangible" limits the claimed computer readable recording medium to only statutory subject matter and exclude intangible forms of computer readable medium.

Moreover, as noted in the present Office Action, the specification does recite: "a recording medium such as a CD-ROM, a DVR-R, a hard disk, a memory, or the like." (See: published application, para. [0082]), thus the computer-readable recording medium is recognized as being restricted to tangible medium such as the ones provided as examples in the specification as originally filed, or the like.

Accordingly, Applicants respectfully request withdrawal of the rejection with respect to Claims 36 – 41 under 35 U.S.C. § 101.

IV. Rejection of Claims 36 – 41 Under 35 U.S.C. § 112, First Paragraph

Claims 36 – 41 are rejected under 35 U.S.C. § 112, first paragraph for allegedly failing to comply with the written description requirement.

Applicants submit that the above presented argument renders moot the rejection of Claims 36 – 41 under 35 U.S.C. § 112, first paragraph. Accordingly, Applicants respectfully request withdrawal of the rejection with respect to Claims 36 – 41 under 35 U.S.C. § 112, first paragraph.

V. Rejection of Claims 1 – 6 and 30 – 41 Under 35 U.S.C. § 102(b)

Claims 1 – 6 and 30 – 41 are rejected under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Patent No. 6, 222,583 issued to Matsumoto et al. Claims 1 and 2 are canceled, thus rendering the rejection moot with respect to those claims.

Matsumoto discloses generating computer graphics (CG) of corresponding scenes from camera information to which images are matched. The matching features are numerical values of a visual feature CG.

It is alleged in the present Office Action that recognizing whether the object is present or not using a difference between visual feature quantities of a partial video image of the captured video image and the object and a difference between the position of the partial video image and the estimated position is described in col. 13, lines 32 – 42 of Matsumoto. However, the cited passage describes correlations of a numerical value of a feature between captured images and CG images.

Consequently, Matsumoto fails to anticipate, or suggest, "...recognizing whether the object is present or not using a difference between visual feature quantities of a partial video image of the captured video image and the object and a difference between the position of the partial video image and the estimated position..." as recited in Claim 3 and similarly in Claims 30, 32, 36 and 38.

Moreover, in the apparatus and methods of the present invention, the object is determined in view of estimated accuracy of the position of the object and a deviation of visual feature quantities of the object. Therefore, the object is determined comprehensively by using a deviation of visual position of the object and a deviation of points of view that are caused by deformation or hiding of the object.

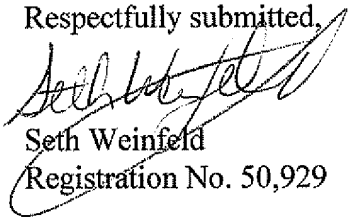
Therefore, as demonstrated above, because Matsumoto does not disclose each and every element recited in the present claims, Applicants respectfully submit that the rejection has been obviated. Accordingly, Applicants respectfully request withdrawal of the rejection with respect to Claims 3 – 6 and 30 – 41 under 35 U.S.C. § 102(b).

CONCLUSIONS

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 3 – 6 and 30 – 41 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Applicant's undersigned attorney at the number indicated below.

Respectfully submitted,



Seth Weinfeld
Registration No. 50,929

SCULLY, SCOTT, MURPHY & PRESSER, P.C.
400 Garden City Plaza - Ste. 300
Garden City, New York 11530
(516) 742-4343
SMW/DAT:ab